

Serial No. **10/733,569**
Amdt. dated July 5, 2006
Reply to Office Action of April 5, 2006

Docket No. **P-0586**

application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language." (emphasis added)

Further, MPEP 1857.01 states:

"[I]f any of the above conditions have not been satisfied, the publication of the international application and the U.S. application publication of the national stage after compliance with 35 U.S.C. 371 may only be used as prior art as of its publication date under 35 U.S.C. 102(a) or (b). A later filed U.S. application that properly claimed the benefit under 35 U.S.C. 120 or 356(c) of such an international application will have its own U.S. filing date for purposes of 35 U.S.C. §102(e)."

Noto was filed in the U.S. on March 12, 2003, claiming priority to PCT application PCT/JP02/03779 filed April 16, 2002 (hereinafter "the Noto PCT application"). It is noted, however, that the Noto PCT application was published in Japanese, and not in the English language, as required by 35 U.S.C. §102(e). Please see the attached summary page from the WIPO website, which provides filing and publication details related to the Noto PCT application and its publication. A copy of the WIPO publication of the Noto PCT application will be provided at the Examiner's request. Accordingly, it is respectfully submitted that the Noto PCT application was not published in the English language, as required by 35 U.S.C. §102(e), and thus does not satisfy all of the conditions set forth in 35 U.S.C. §102(e) for its international filing date to be considered its effective date as prior art.

Further, the present application was filed on December 12, 2003, claiming priority to Korean Patent Applications 2002-79301 filed in Korea on December 12, 2002. A certified translation of this priority document is filed herewith in order to perfect this claim for priority.

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It is noted that the December 12, 2002 priority date associated with the present application pre-dates Noto's March 12, 2003 U.S. filing date and corresponding February 26, 2004 U.S. publication date, as well as Noto's January 30, 2003 PCT Publication date. Thus, it is respectfully submitted that Noto is not a proper reference, and cannot be properly replied in a rejection of the present application.

Accordingly, it is respectfully submitted that claims 1, 3-9, and 11-23 are allowable over Noto, and thus the rejection of claims 1, 3-9, and 11-23 under 35 U.S.C. §102(b) over Noto should be withdrawn.

The Office Action rejects claims 2 and 10 under 35 U.S.C. §103(a) over Noto in view of U.S. Patent No. 6,011,699 to Murray et al. (hereinafter "Murray"). The rejection is respectfully traversed.

As set forth above, Noto is not a proper reference, and thus cannot be properly applied in a rejection of the present application. Further, it is respectfully submitted that Murray alone neither discloses nor suggests each of the features recited in the claims, or the respective claimed combinations, and thus fails to overcome the deficiencies of Noto. Accordingly, it is respectfully submitted that claims 2 and 10 are allowable over the applied combination, and thus the rejection of 2 and 10 under 35 U.S.C. §103(a) over Noto and Murray should be withdrawn.

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CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned, **JOANNA K. MASON**, at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
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Attachments: WIPO Publication Summary Page for Noto Reference
Certified priority document

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